

REMARKS

Claims 21-43 are now pending in this application. Claims 26 and 27 are withdrawn from consideration. Claims 17, 21, 22, 39, 41 and 42 are rejected. Claim 17 is cancelled herein without prejudice. Claims 1-16 and 18-20 are previously cancelled. Claims 21, 23-25, 39 and 41 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues. Claim 43 is added.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 17, 21-25, 28-39, 41 and 42 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. Claim 17 is cancelled herein, rendering its rejection moot, and the remaining claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 21-25, 28-39, 41 and 42 and their allowance are earnestly requested.

Claims 17, 21, 22, 39, 41 and 42 are rejected under 35 U.S.C. § 102(b) as being anticipated by Axelrod (US 4,924,811). Claim 17 is cancelled herein without

prejudice, rendering its rejection moot. Applicant herein respectfully traverses these rejections as pertaining to the remaining claims.

For a rejection to be sustained under §102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Independent claim 21 recites in pertinent part the following:

providing the toy with an animal access region and an animal restricted region, said animal access region being comprised of at least one portion of the toy which the pet is more likely to bite and hold in a mouth of the pet than at least another portion of the toy comprising said animal restricted region, when the toy is naturally picked up in the mouth of the pet, by virtue of at least one of enhanced sensory attraction or greater relative physical accessibility to the pet as compared with said animal restricted region, said animal restricted region which is comprised of said at least another portion of the toy being conversely less

likely to be accessed by the pet during play than said animal access region, when the toy is naturally picked up in the mouth of the pet, by reason of at least one of less sensory appeal or structural inaccessibility to the pet as compared with said animal access region, such that saliva of the pet is deposited to at least a lesser degree on said toy within said animal restricted region as compared with said animal access region when the toy is naturally picked up in the mouth of the pet during the interactive play

According to the above claim recitation, the method includes configuring the toy with one portion (animal access region) which is more likely to be held in a mouth of a dog than another portion (animal restricted region) when naturally picked up by the dog. Applicant respectfully submits that the Examiner has failed to provide support in Axelrod for such claimed feature. The Examiner refers to Fig. 6 as allegedly providing such teaching. However, nothing in Axelrod suggests that the dog illustrated in Fig. 6 would be more or less likely to access the ends of the rope toy as depicted, as compared with the middle of the rope between the knots 12 and 14. The depiction in the figure, therefore, provides merely one example of how the

dog can possibly access the toy, and merely suggests that when the toy is so accessed, the tassels serve to clean the teeth. (see col. 2, lines 34-38), and the Examiner has pointed to no disclosure whatsoever in Axelrod that would establish otherwise.

Independent claim 39 recites in pertinent part the following:

allowing the pet to pick up the toy by gripping
a naturally-accessed portion of the toy in the mouth of
the pet while the toy is free of the hand of the user;
and

acquiring the toy by the user following the
gripping of the toy in the mouth of the pet by grasping
at least a portion of said animal restricted region by
the hand of the user

Applicant respectfully submits that the Examiner's allegation that Figs. 6 and 7 respectively teach these method features is without merit. It is abundantly clear that Fig. 7, described at col. 3, lines 1-9 is directed to an entirely different embodiment from that of Fig. 7. Fig. 7 shows the rope toy embodiment of Fig. 1, whereas the rope of Fig. 8 is that of Fig. 3. The reference is silent as to any suggestion of

“acquiring the toy by the user following the gripping of the toy in the mouth of the pet,” as claimed.

Applicant notes that independent claim 41 contains a similar recitation directed to “handling the toy following said toy being picked up in the mouth of the pet by grasping of the animal restricted region by the user such that exposure to saliva by the hand of the user is reduced,” not taught or suggested in Axelrod.

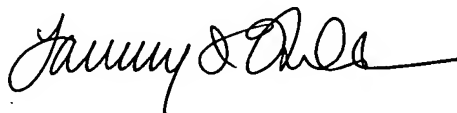
In view of the above, it is respectfully submitted that claims 21, 22, 39, 41 and 42 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 21, 22, 39, 41 and 42 and their allowance are respectfully requested.

Claim 43 is added and is submitted as patentable over the cited art of record based on the subject matter recited therein in addition to the subject matter of claim 40.

One (1) further independent claim in excess of three is added. Accordingly, please find Check No. 1502 in the amount of \$110 to cover the fee.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lawrence I. Wechsler", with a long horizontal flourish extending to the right.

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